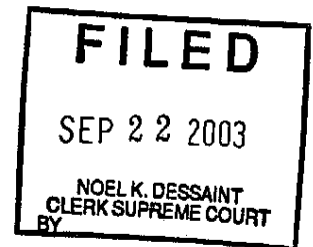


**RECEIVED**

SEP 22 2003

Hon. Sheldon H. Weisberg    **CLERK SUPREME COURT**  
Chief Judge, Arizona Court of Appeals, Division One  
1501 W. Washington  
Phoenix, AZ 85007  
(602) 542-1434



**IN THE SUPREME COURT OF THE STATE OF ARIZONA**

In the Matter of:	)	
Rule 123, Arizona Rules of the Supreme Court	)	
Rules of Civil Procedure and Rules of	)	
Criminal Procedure	)	Supreme Court
	)	R. No. 2003- 0012

**Petitioner's Reply to the Comment of Hon. Michael K. Jeanes**

In his comment, Mr. Jeanes expresses concerns about the efficacy of the proposed sensitive data sheet and the possibility that the rule change will not ensure that the parties will omit sensitive data from all their filings. This comment overlooks the wording of the proposed rule to accompany the new sensitive data form, which requires that "the filing party shall omit or otherwise redact" sensitive data from any paper filed with the court (page Exhibit B-1 of the petition). If the court specifically needs the information, it is to be disclosed on the form, and only on the form. By this means it will be possible to maintain sensitive data in the court file without running the risk that it will be disseminated on the Internet.

Mr. Jeanes also points out that unrepresented litigants provide their addresses to the court on all civil pleadings and other papers filed, pursuant to Rule 10(d). Presumably many unrepresented litigants use their residential addresses for this purpose. In fact, the Committee was not considering addresses on documents when it was asked to recommend whether parties' residential addresses should be displayed on a court's Internet Web site. The proposed definition of "sensitive data" does not include parties' residential addresses. In discussions, the Committee acknowledged that case records frequently contain home addresses of the parties, yet there was no consensus that this information should be redacted from documents before they could be posted to an Internet Web site.

The proposed prohibition on Internet access to parties' residential addresses was the response the Committee made to the question whether party addresses should be displayed on the Internet from a case management system, such as the Supreme Court's Data Warehouse, as one of the possible data elements that could be provided to distinguish one John Smith from another and to provide the basic docket-type information that some courts currently offer on individual cases.

Mr. Jeanes' point is well taken that the proposed rule change does not distinguish between case records and case management data. This distinction needs to be incorporated into the proposed rule change. I suggest that the proposed amendment to section (g)(5)(G), appearing at page Exhibit A-2 of the petition, be revised to read as follows:

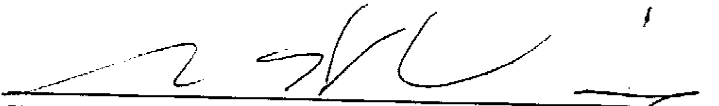
(G) The following records and data elements are not open to public inspection by remote electronic means:

- (i) presentence reports;
- (ii) criminal case exhibits, unless attached to a motion or other filing;
- (iii) petitions for an order of protection or injunction against harassment;
- (iv) victims' names; and
- (v) documents, docket and calendar information on unserved orders of protection or injunctions against harassment.

The court may offer this information by remote electronic means to parties and attorneys of record in their own cases. In addition, parties' residential addresses should not be displayed on Web sites offering basic case information on individual cases drawn from a court's case management database. However, parties' residential addresses need not be redacted from case records before they are made accessible online.

While Mr. Jeanes now objects that maintaining the sensitive data form will be burdensome and costly to maintain, that result is uncertain. What is certain is the need for a sensitive data form to prevent such information from being published via the Internet. Otherwise the misuse of such information is also certain.

Respectfully submitted this 22nd day of September, 2003.

  
Hon. Sheldon H. Weisberg, Petitioner  
Chairman, Ad Hoc Committee to Study Public Access to  
Electronic Court Records  
Chief Judge, Arizona Court of Appeals, Division One  
1501 W. Washington  
Phoenix, AZ 85007  
(602) 542-1434